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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/685,803

10/16/2003

Uri L. Zilberman

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11/09/2010

THE NATH LAW GROUP

112 South West Street

Alexandria, VA 22314

EXAMINER

NELSON, MATTHEW M

ART UNIT

PAPER NUMBER

3776

MAIL DATE

DELIVERY MODE

11/09/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action
After the Filing of an Appeal Brief

Application No.

10/685,803

Applicant(s)

ZILBERMAN, URI L.

Examiner

Matthew M. Nelson

Art Unit

3776

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The reply filed 03 September 2010 is acknowledged.

1. ☐ The reply filed on or after the date of filing of an appeal brief, but prior to a final decision by the Board of Patent Appeals and Interferences, will not be entered because:

a. ☐ The amendment is not limited to canceling claims (where the cancellation does not affect the scope of any other pending claims) or rewriting dependent claims into independent form (no limitation of a dependent claim can be excluded in rewriting that claim). See 37 CFR 41.33(b) and (c).

b. ☐ The affidavit or other evidence is not timely filed before the filing of an appeal brief.
See 37 CFR 41.33(d)(2).

2. ☐ The reply is not entered because it was not filed within the two month time period set forth in 37 CFR 41.39(b), 41.50(a)(2), or 41.50(b) (whichever is appropriate). Extensions of time under 37 CFR 1.136(a) are not available.

Note: This paragraph is for a reply filed in response to one of the following: (a) an examiner's answer that includes a new ground of rejection (37 CFR 41.39(a)(2)); (b) a supplemental examiner's answer written in response to a remand by the Board of Patent Appeals and Interferences for further consideration of rejection (37 CFR 41.50(a)(2)); or (c) a Board of Patent Appeals and Interferences decision that includes a new ground of rejection (37 CFR 41.50(b)).

3. ☐ The reply is entered. An explanation of the status of the claims after entry is below or attached.

4. ☒ Other: The reply is not entered. The amendment to the specification after Notice of Appeal includes the language "incorporated by reference in its entirety", however this is potentially new matter. Applicant must file a petition for priority when introducing this language as detailed in MPEP 201.11, specifically section III

/Cris L. Rodriguez/
Supervisory Patent Examiner, Art Unit 3732

/Matthew M Nelson/
Examiner, Art Unit 3776